

HAMPTON PLANNING BOARD – MINUTES  
March 15, 2006 – 7:00 PM

**PRESENT:** Tracy Emerick, Chairman  
Tom Higgins, Vice Chairman  
Fran McMahon, Clerk  
Jim Workman, Selectman  
Keith Lessard  
Bob Viviano  
Tom Gillick  
James Steffen, Town Planner

**ABSENT:**

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members. Mr. Workman led the Pledge of Allegiance to the flag.

Chairman Emerick announced that Election of Officers would take place at the next meeting, once election results are finalized.

**I. ATTENDING TO BE HEARD**

- 6-33) Jean Boudreau  
Change of Use from antique shop to lobster pound and fish market at  
65 Lafayette Road  
Map 236 Lot 1  
Owner of Record: Lafayette Road Real Estate Trust

Ms. Jean Boudreau, Principal, presented this request.

It was confirmed that this was a permitted use. The Board asked if there would be any cooking on premises. There will not. It will be a market only.

**MOVED** by Mr. to Gillick to grant a Change of Use from an antique shop to a lobster pound and fish market at 65 Lafayette Road, Map 236 Lot 1.

**SECOND** by Mr. Lessard

**VOTE: 7-0-0**

**MOTION PASSED**

- 6-31) Ken & Russ Kolifrath  
Change of Use from Storage to Retail at  
868 Rear Lafayette Road  
Map 71 Lot 11  
Owner of Record: Kenneth Kolifrath

Mr. Ken Kolifrath and Mr. Russ Kolifrath presented this request. They clarified the parking spaces. There are 8 new spaces that are now identified on the plans.

The Board questioned sheds on the property. One shed is gone. The other is a lean-to that is to be removed. There will be the main building, the barn and parking on the site. There will be no pool on the site.

**MOVED** by Mr. Viviano to grant a Change of Use from Storage to Retail at 868 Rear Lafayette Road, Map 71 Lot 11.

**SECOND** by Mr. Workman

**VOTE: 7-0-0**

**MOTION PASSED**

Mr. Gillick commented that Mr. Bilodeau had done an excellent job filling in for him on the Board during his absence.

## **II. CONTINUED PUBLIC HEARINGS**

- 5-52) Seaview at Hampton, LLC  
Special Permit to Impact Wetlands Conservation District at  
24 Harbor Road  
Map 295 Lot 64  
Owner of Record: Seaview at Hampton LLC

Joe Coronati, Jones & Beach Engineers, and Peter Saari, Casassa & Ryan, presented this application. Bob Meisner, DHB, owner, Scott Kilgore, construction manager, and John Chagnon, Ambit Engineering, were also present.

There are two issues tonight:

- The Special Permit Application, and
- Review of the completed site work to date by the Town's peer review engineer – Ambit Engineering.

Mr. Coronati reviewed the engineering and site work issues, going through the Town engineer's report item by item.

- The sidewalk and the tip-down. There was a review of the location of the sidewalk. There is one handicap parking space on the site. It is some distance from the yacht club. Mr. Coronati estimated it is about 60 feet from the sidewalk. There was discussion of the private/public aspect of the yacht club. It is intended that there will be party boats docking at the club. People using those boats will be transporting supplies. The tip down needs to be where planned to accommodate the public using this facility.
- Mr. Coronati described the change in fencing around the pool.
- Transformer pad at Unit #15 – Mr. Coronati explained that there will be no transformer on this pad. It will be an underground vault for pulling wires. The concrete pad will also be removed. It does not impact the parking spaces.
- Mr. Coronati stated that stonework will be added to match buildings.
- Mr. Coronati explained that the swale at the end of Unit #6 was planned to be vegetated, but was constructed as riprap. It is the Board's wish that this be vegetated.

- There was discussion of the existing thruway from Ashworth Avenue to the site. The applicant will install a barrier to prevent this occurrence.
- Mr. Coronati explained that the headwall was being undercut by the tides, so riprap was added. The Board asked if a public viewing area could go over the new riprap to replace the public access lost by installation of the riprap. The applicant would prefer to remove the riprap.

Chairman Emerick asked Mr. Chagnon, the Town's engineering reviewer, for his opinion. Mr. Chagnon stated that preventing erosion should be considered the priority. He believes riprap is the best way to keep the area stable. Mr. Chagnon said he felt that an observation deck over the riprap would be problematic because it would disrupt the riprap. Mr. Coronati stated the owners are willing to seek a State permit to place a deck/overhang in that area as mitigation.

- Transformer locations not consistent with plans – Mr. Coronati described the history of this issue. This item is part of the Special Permit amendment.
- Mr. Coronati explained that a portion of the northwest corner of the yacht club building was removed. The current structure is about 316 square feet smaller, having a lesser impact. An enclosure and concrete pad were added to yacht club building that is not part of the approved plans. Mr. Coronati said the pad is to house air conditioners. He said the 4'x8' pad added is smaller than the pad that was there previously. The enclosure is to bring a water line into the building for the sprinkler system. It is about 32 square feet.
- Pull boxes may be in the right-of- way – Mr. Coronati said the utilities may be in the easement but this was not in the owner's control. There was discussion of an additional light base and pull box. The Board determined that the light base in that location was desirable.
- Items not yet complete – Mr. Coronati said the project is about 85% complete. All items will be completed.

Discussion then moved to the Special Permit. Mr. Coronati reviewed the items involved in the Special Permit:

- Riprap extension;
- Additional riprap under building;
- Transformer pad and location;
- Observation deck (previously a fence) that will be approximately - 12' x 14' with an associated walkway and signage indicating this is a public viewing area.

## **PUBLIC**

Jane Gallagher, 31 Harbor Road, stated she doesn't currently have an agreement with the applicant. She does not disagree with the original plan approved by the Board. She indicated that the current construction does not conform to the original approved plan. The transformer is 4 feet from her property line. She is concerned as to whether an access easement would be required for the transformer. She stated she would not grant such an easement. Ms. Gallagher distributed several plans and pictures to the Board. She is concerned about devaluation of her property because of the transformer; the humming noise of the transformer; and any health risks that may

be associated with it. She stated the tide has come in to within a foot of the transformer, and she is concerned as to what impact a storm surge will have on this device. She urged the Board not to approve this portion of the amendment. She stated that this is adversely affecting her as an abutter.

Owen Carter, 2 Bailey Avenue, stated his concern is the Town right-of-way. He feels the Town has ceded the right-of-way to the development. There were supposed to be two parking spaces that are not present. This is a drop off area only.

The Board discussed the agreement made between the Town and the developer. It included access to the pier to be built for marine rescue vehicles.

Mr. Carter stated he is also concerned about the size of the dock and the number of boats that will be using it. There was discussion of the prohibition of long-term residence on boats. Chairman Emerick clarified that the Planning Board's jurisdiction ends at the high water mark. It does not have jurisdiction over the piers.

John Gebhart, 4 Bailey Avenue, commented that the transformer next to 31 Harbor Road will be in water during a major storm event.

## **BOARD**

Mr. Coronati stated that the transformer is above 9' elevation. Flooding would occur at the 100-year flood level. He hopes plants and the fence will deaden the humming sound of the transformer. He stated the original agreement with Ms. Gallagher was that the applicant would install a fence of her choosing and that there would also be landscaping in the area.

Mr. Steffen referenced the first bullet in the Conservation Commission's letter of November 29, 2005. The fence referred to has been removed and is no longer an issue.

**MOVED** by Mr. Gillick to approve the 460 square foot riprap extension, impacting the wetlands conservation district at 24 Harbor Road, Map 295 Lot 64, subject to the conditions and stipulations included in the Conservation Commission memo of November 29, 2005.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

**MOVED** by Mr. Gillick to approve the additional riprap under the clubhouse, impacting the wetlands conservation district at 24 Harbor Road, Map 295 Lot 64, subject to the conditions and stipulations included in the Conservation Commission memo of November 29, 2005.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

Mr. Gillick stated it was represented to the Board that Unitil determined the locations of the transformers and it was not within the developers' control. He believes that the Board may need to get input from Unitil to consider this issue.

**MOVED** by Mr. Gillick to defer action on the portion of the Special Permit dealing with the transformer pad until input is secured from Unitil as to whether any alternative locations for the transformers are feasible. This will be continued to the April 5<sup>th</sup> meeting of the Planning Board.

**SECOND** by Mr. Viviano  
**VOTE: 6-1-0**

**MOTION PASSED**

**MOVED** by Mr. Gillick to approve the recommendation that a viewing deck be constructed on the owners' property, mitigating the addition of riprap. This deck will include proper signage indicating that the deck is for public viewing. This motion is conditioned on approval by the Conservation Commission.

**SECOND** by Mr. Viviano  
**VOTE: 7-0-0**

**MOTION PASSED**

- 6-16) Rademo Realty Trust  
Special Permit to Impact Wetlands Conservation District at  
7A Merrill Industrial Drive  
Map 142 Lot 4-1  
Owner of Record: Rademo Realty Trust
- 6-17) Rademo Realty Trust  
Site Plan Review at  
7A Merrill Industrial Drive  
Map 142 Lot 4-1  
Owner of Record: Rademo Realty Trust  
***Jurisdiction accepted: February 1, 2006***

Peter Saari, Casassa and Ryan, and Daniel Balfour, Ames MSC, presented this application. Mr. Thomas Moulton, owner, was also present.

Mr. Balfour reviewed comments from Ambit Engineering, the Town's independent review engineer. He discussed the drainage issues raised by Ambit, stating they have addressed these issues. He stated they have also added 6 parking spaces and an access easement to those parking spaces. The impervious surface ratio has not changed.

Mr. Higgins indicated the Board had expressed concern as to the amount of pavement in the rear of the building. He wanted to be sure that the engineer recalled this. The engineer indicated he recalled it and chose to simply follow the Town Zoning Ordinance minimum requirements for sealed surface.

Chairman Emerick stated that the Fire Department is concerned about inadequate turning radius for fire equipment at all three entrances. Mr. Balfour indicated he had become aware of that concern this day, but, since the building is to have a sprinkler system, he does not agree with the Fire Department's concern. The Board indicated to the applicant that the Board takes the comments of its Town Departments very seriously, because the Board's objective is to ensure that we have a safe community.

Chairman Emerick stated that since AMES has not seen Town Department comments, the Board could not act on the application tonight.

There was additional discussion of the excessive amount of asphalt in the rear of the building. This included discussion of proposed loading docks.

**BOARD**

**MOVED** by Mr. Gillick to continue the Site Plan Review application to the April 5<sup>th</sup> meeting to allow the applicant time to review and respond to the Town department and engineer's comments.

**SECOND** by Mr. Lessard

**VOTE: 7-0-0**

**MOTION PASSED**

**MOVED** by Mr. Gillick to continue the Special Permit Application to the April 5<sup>th</sup> meeting of the Planning Board.

**SECOND** by Mr. Lessard

**VOTE: 7-0-0**

**MOTION PASSED**

5-0) Leo Pacheco  
3-lot Subdivision at  
16-23 Fielding Lane  
Map 194 Lot 10-1  
Owner of Record: Leo Pacheco (Per Application)  
Continued from December 21, 2005

Peter Saari, Attorney, Joe Coronati, Engineer, and Ernest Cote, Surveyor, presented this application.

Mr. Steffen reviewed the status of the application. He stated Ambit Engineering is now satisfied with the drainage analysis.

**BOARD**

Chairman Emerick said that a legal opinion is needed on the matter of impact fees based upon the newly adopted Growth Management Ordinance.

**PUBLIC**

No Comment

**BOARD**

**MOVED** by Mr. Gillick to accept jurisdiction of this application.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

Mr. Lessard commented that the owner of this property had generously offered this land to the Town as a park, but the Town turned it down. We now have this application for a 3-lot subdivision.

**MOVED** by Mr. Gillick to approve the 3-lot subdivision at 16-23 Fielding Lane, Map 194 Lot 10-1 with the following conditions:

1. An impact fee in the amount of \$3,641 per dwelling unit (for a single-family home) is required when filing a building permit application.
2. The final lot numbers shall be established with the Assessing office prior to recording.
3. Receipt of a Certificate of Monumentation.
4. Prior to final approval, the applicant shall submit seven (7) copies final plans, recordable Mylar, and applicable recording fees.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

- 6-20) Public Service of New Hampshire  
Site Plan Review at  
70 Timber Swamp Road  
Map 102 Lots 1, 2 and 4  
Owner of Record: Public Service of New Hampshire  
*Jurisdiction Accepted February 1, 2006*
- 6-21) Public Service of New Hampshire  
Special Permit to Impact Wetlands Conservation District at  
70 Timber Swamp Road  
Map 102 Lots 1, 2 and 4  
Owner of Record: Public Service of New Hampshire

Mr. Walt Bilynsky, PSNH Project Manager, and Mr. David Manugian, Ambient Engineering, presented this application.

## **BOARD**

Mr. Steffen reviewed the status of these applications. Civilworks, as the Town's peer review engineer, has reviewed and commented on their revised plans. There are still some issues to be addressed but are not significant. The Town Departments have responded and have no adverse issues. There is a Letter of Intent from PSNH regarding the mitigation plan, which involves deeding about 20 acres to the Town for conservation land. His recommendation is that the site plan can be approved with his memo conditions.

## **PUBLIC**

No comment

## **BOARD**

**MOVED** by Mr. Gillick to grant a special permit to impact the wetlands conservation district at 70 Timber Swamp, Map 102 Lots 1, 2 and 4, with the following conditions:

1. Acceptance by the Town of the wetlands mitigation as outlined in the PSNH Letter of Intent, dated March 14, 2006, and associated plans.
2. Compliance with the Conservation Commission's stipulations in their checklist dated January 26, 2006.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

There was discussion of accessibility to the property to be transferred for mitigation. Access to the land would be through the adjacent properties (Batchelder field and the Hurd farm). Mr. Bilynsky noted, however, that the public should not be traveling under high voltage wires.

**MOVED** by Mr. Gillick to approve the site plan for 70 Timber Swamp Road, Map 102 Lots 1, 2 and 4, subject to the following conditions:

1. The final site plan shall be stamped by the NH licensed land surveyor associated with the project.
2. The Board defines "active and substantial" for the purposes of RSA 674:39 as after construction and completion of drainage improvements and installation of all erosion and sedimentation control measures.
3. Final plans shall be revised to address any Civilworks, Inc. comments still outstanding on the engineering review.
4. Prior to final approval, the applicant shall submit seven (7) paper copies of the final plans, recordable Mylar, and applicable recording fees.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

Chairman Emerick thanked Cliff Pratt for his work over past year. He served the Planning Board well.

### **III. CONSIDERATION OF MINUTES of March 1, 2006**

Page 8 – Board – Add "and porch" and "sizeably"

Page 9 – Motion – Delete "due to insufficient parking"

Page 11 – Reword fence discussion to reflect applicant changed her mind and agreed to a fence

Page 12 – Conditions – change #6 – "Easterly" to "Northeasterly"

Page 13 – Board – add, "permitted" before "historical discharge".

**MOVED** by Mr. Lessard to accept the minutes as amended.



**SECOND** by Mr. Viviano  
**VOTE: 5-2-0**

**MOTION PASSED**

**IV. CORRESPONDENCE**

**V. OTHER BUSINESS**

- **Bond Reduction – WCV, Inc – K Street**

This \$30,000 bond was for drainage improvements. A letter was received from Attorney Salomon requesting release of most of this bond. Mr. Steffen stated a drainage catch basin still needs to be installed. The Department of Public Works has recommended release of \$27,000 of this bond amount. The remaining \$3,000 is to be held until the final billing is received from Zoppo Construction for installation of a drainage catch basin for the benefit of WCV Inc.

**MOVED** by Mr. Lessard to release \$27,000 of the bond amount.

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

- **Katie Lane**

Mr. Steffen informed the Board that a letter was received from Peter Saari requesting release of this security. This is a bond called by the Town for lack of performance. Mr. Hangen has written to the attorney with items that need to be accomplished prior to release of any security. There are five action steps that need to be taken by Mr. Johnson and/or Casassa and Ryan.

- **Sea Castle Relocation**

Mr. Steffen received a memo from the Police Chief stating that there is a fire lane on Fuller Acres, and no parking is allowed on that street. This was an issue raised by an abutter during the public hearing.

- **Role of HBAC for review of development plans.**

Mr. Steffen indicated he had researched this issue. He read two letters from the files. One indicates that Hampton Beach Area Commission review should be initiated by the applicant and take place prior to Planning Board review. The other indicates that the Planning Board may refer application to the Hampton Beach Area Commission.

There was discussion of the role of the Hampton Beach Area Commission. It was noted that it is not a land use board, and their review is voluntary and advisory in nature. There are two avenues for review. The Planning Board can refer a project when it becomes aware of it, or an applicant can request a review. There was discussion of when the land use boards become aware of plans. Generally, by the time a project comes to the Planning

Board it's too late for the Hampton Beach Area Commission. There was discussion of how these can be referred to Hampton Beach Area Commission sooner.

- **Certify adoption of increase in fees for registry**

Mr. Steffen asked Board members to sign the Certification of changes adopted at the previous meeting for fees charged for recording documents.

**MOVED** by Mr. Gillick to adjourn

**SECOND** by Mr. Viviano

**VOTE: 7-0-0**

**MOTION PASSED**

Meeting adjourned at 9:40 PM.

Respectfully Submitted,  
Barbara Renaud  
Planning Board Secretary